SUPREME COURT, U. S.

FILED

APR 2 1974

No. 73-1212

In the Supreme Court of the United States

OCTOBER TERM, 1973

JAMES M. DEANGELIS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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UNTED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OFPPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the Eastern District of New York, petitioner was convicted on four counts of possession of cocaine with intent to distribute, in violation of 18 U.S.C. 2 and 21 U.S.C. 841(a)(1). He was sentenced to concurrent five year terms of imprisonment on each count and to a special parole term of seven years. The court of appeals affirmed in a lengthy opinion (Pet. App. 1a-16a).

Petitioner contends that it was error for the government to make unsupported assertions in its summation to the jury and to fail to produce an informer as a witness. These contentions were thoroughly examined and properly rejected by the court of appeals on whose opinion we rely (Pet. App. 6a-8a, 11a-12a).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

APRIL 1974.